

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: CARLOS RAUL PENA	:	CHAPTER 13
Debtor	:	
	:	
JACK N. ZAHAROPOULOS	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
CARLOS RAUL PENA	:	
Respondent	:	CASE NO. 5-23-bk-02152

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 30<sup>th</sup> day of October, 2023, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor's plan for the following reason(s):

1. Failure to properly state the liquidation value in Section 1B of the plan.
2. Debtor's plan violates 11 U.S.C. § 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, the debtor has excess non-exempt equity in the following:
  - a. Residential real estate. The Trustee has requested proof of the value of the debtor's home as stated in his schedules.
  - b. No assets are exempted.
3. Schedule B lacks description. (e.g., make, model and year of "truck" not listed.) Also, SOFA #4, 5 and 6 lack description.
4. The Trustee avers that debtor's plan is not feasible based upon the following:
  - a. The debtor is unable to make payments under the plan, contrary to § 1325(a)(6). (Negative disposable income, also see Schedule I, #17.)
  - b. Plan ambiguous – The plan is ambiguous as a whole. The only part completed is the payment, length and base amount on Page 2.

5. Trustee avers that debtor's plan cannot be administered due to the lack of the following:

- a. The debtor has not provided to the Trustee copies of 2022 Federal Income Tax returns as required by § 521(e)(2)(A).
- b. Six-month Profit and Loss Statement for 2023.

WHEREFORE, Trustee alleges and avers that debtor's plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 9<sup>th</sup> day of November, 2023, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Carlos Raul Pena  
8535 Rolla Road  
Cresco, PA 18326

/s/Deborah A. DePalma  
Office of Jack N. Zaharopoulos  
Standing Chapter 13 Trustee